

The Commonwealth of Massachusetts

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THE  
**JOURNAL OF THE SENATE**  
SECOND EXTRA SESSION

OF THE YEAR

1980

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## JOURNAL OF THE SENATE.

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### SECOND EXTRA SESSION.

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In response to a Proclamation of His Excellency the Governor, under the date of November twenty-eighth, nineteen hundred and eighty, convoking the General Court in the State House at Boston on the first day of December, nineteen hundred and eighty, at eleven o'clock in the forenoon, the Senate convened in the Senate Chamber at the time designated and was called to order by the Honorable William M. Bulger, President of the Senate.

The Proclamation, which was then read by the Clerk, was as follows:

THE COMMONWEALTH OF MASSACHUSETTS.  
BY HIS EXCELLENCY EDWARD J. KING, GOVERNOR.

#### A PROCLAMATION.

*Whereas*, The Constitution of the Commonwealth provides that "the Governor with the advice of council, shall have full power and authority," during the recess of the General Court, "to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same"; and

*Whereas*, The Massachusetts Bay Transportation Authority (MBTA) is a body politic and corporate, a political subdivision of the Commonwealth, charged with the responsibility of providing mass transportation services to a large area of the Commonwealth; and

*Whereas*, The mass transportation services provided by the MBTA are essential to the health, safety and economy of the region served by the MBTA; and

*Whereas*, The operating expenses of the MBTA must be approved by the Advisory Board of the MBTA before any expenditures can be made; and

*Whereas*, The latest Advisory Board approved budget of \$302,120,562 has proven to be insufficient to permit the continued operation of the MBTA; and

*Whereas*, The Advisory Board has failed to approve any supplementary budget for the MBTA despite repeated requests for such approval; and

*Whereas*, The Supreme Judicial Court has ruled that my action in assuming control of the MBTA on an emergency basis was beyond the powers granted to me as Governor; and

*Whereas*, The Supreme Judicial Court has ruled that pursuant to Executive Order 189, the MBTA may continue to operate until 12:00 P.M. on Friday, December 5, 1980; and

*Whereas*, A public emergency has been created in which a termina-

Governor's  
proclamation  
convoking the  
General Court.

tion of the public transportation services provided by the MBTA is imminent; and

*Whereas*, The welfare of the Commonwealth requires that the General Court consider the enactment of legislation that will permit the continuation of the public transportation services of the MBTA;

*Now, Therefore*, Believing that the welfare of the Commonwealth so requires, I hereby make proclamation to the members of the General Court of Massachusetts calling them to assemble at the State House on December 1, 1980 at eleven o'clock in the forenoon to the end that action may be taken upon the foregoing matters.

*Given* at the Executive Chamber, with the advice of Council, this twenty-eighth day of November in the year of Our Lord, one thousand nine hundred and eighty and of the Independence of the United States of America, the two hundred and fifth.

EDWARD J. KING,  
*Governor.*

MICHAEL JOSEPH CONNOLLY,  
*Secretary of the Commonwealth.*

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*Orders Adopted.*

On motion of Mr. Foley, —

House  
notified.

*Ordered*, That a committee of three be appointed to inform the House of Representatives that the Senate is now assembled and ready to proceed to business.

Senators Wall, Timilty and Parker were appointed the committee.

Mr. Wall, for the committee, afterwards reported that it had attended to the duty assigned to it; and the committee was discharged.

Notification  
from House.

Subsequently, notice was received from the House, by a committee thereof, that that branch had assembled and was ready to proceed to business.

On motion of Mr. Foley, —

Governor  
notified.

*Ordered*, That a committee of three members of the Senate and such as the House may join, be appointed to wait upon His Excellency the Governor and the Honorable Council and inform them that the two branches of the General Court are now assembled pursuant to His Excellency's proclamation of the twenty-eighth instant, and are ready to proceed to business and to receive such communication as it may be his pleasure to make to them.

Senators McKinnon, Doris and Olver, and Representatives Aguiar of Swansea, McNeil of Leicester, Whitney of Dudley, Paleologos of Woburn, Walsh of Boston and Murray of Cohasset were appointed the committee.

Mr. McKinnon, for the committee, afterwards reported that His Excellency the Governor had been informed that the Senate was ready to proceed to business; and the committee was discharged.



On motion of Mr. Foley, —

*Ordered*, That the Clerk begin the daily printing of the Journal of the Senate, as authorized by Senate Rule 6, and that the daily reading thereof be dispensed with; that, under authority of Section 10 of Chapter 5 of the General Laws, four hundred copies of the Journals for the special session be printed and bound with the customary appendices and an index; and that a certified copy thereof be deposited with the Secretary of the Commonwealth as the official Journal of the Senate.

Journal of the Senate, — printing.

On motion of Mr. Foley, —

*Ordered*, That, in respect to procedure under Senate Rules 24 and 53, the period commencing forthwith be considered the last week of the session.

Senate Rules 24 and 53, — last week of session.

### *Resolutions.*

Mr. Wall offered "Resolutions on the death of the Honorable Samuel S. Pollard"; and, under the rule, they were referred to the committee on Rules.

Honorable Samuel S. Pollard.

**Subsequently, Mr. Foley, for the said committee, reported, recommending that the resolutions ought to be adopted; and they were considered forthwith, under a suspension of the rule, moved by Mr. Wall, and adopted.**

### PAPER FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation relative to the structure of the Massachusetts Bay Transportation Authority (House, No. 6834), — **was referred, in concurrence, to the committee on Transportation.**

MBTA, — structure.

On motion of Mrs. Fonseca, at twenty-nine minutes before twelve o'clock noon, the President declared a recess; and, at three minutes past four o'clock P.M., the Senate reassembled.

Recess.

### *Order Adopted.*

On motion of Mr. Lewis, —

*Ordered*, That when the Senate adjourns today, it adjourn to meet again tomorrow, Tuesday, December 2, 1980, at one o'clock P.M.

Senate, — time of meeting.

On motion of Mr. Hall, at ten minutes past four o'clock P.M., the Senate adjourned to meet on the following day at one o'clock P.M.

Tuesday, December 2, 1980.

Met according to adjournment, at one o'clock P.M.

*Special Commission — Appointment.*

Boston  
Harbor  
commission.

The President announced the appointment of Senator Timilty of Norfolk and Suffolk to the special commission established (under Chapter 25 of the Resolves of 1979, and whose membership was increased by Chapter 8 of the Resolves of 1980) for the purpose of preparing a development program for Boston Harbor.

The membership of said commission on the part of the Senate is as follows: Senators Walsh of Suffolk and Norfolk, Boverini of Essex and Timilty of Norfolk and Suffolk.

Recess.

On motion of Mr. Boverini, at five minutes past one o'clock P.M., the President declared a recess; and, at twenty-eight minutes before four o'clock P.M., the Senate reassembled.

*Resolutions.*

Southern  
Italy  
earthquake.

Mr. Bulger and the members of the Senate offered "Resolutions on the awesome and horrifying tragedy wrought by earthquake in Southern Italy"; and, under the rule, they were referred to the committee on Rules.

**Subsequently, Mr. Foley, for the said committee, reported, recommending that the resolutions ought to be adopted; and they were considered forthwith, under a suspension of the rule, moved by Mr. Bulger, and adopted.**

Recesses.

On motion of Mr. Hall, at nineteen minutes before four o'clock P.M., the President declared a recess; and, at a quarter past five o'clock P.M., the Senate reassembled; and, on motion of Mr. Walsh, the President declared a further recess; and, at eight o'clock P.M., the Senate reassembled; and, on motion of Mrs. Fonseca, the President declared a further recess; and, at twenty-six minutes before nine o'clock P.M., the Senate reassembled, Mrs. Fonseca in the Chair; and, on motion of Mr. Bertonazzi, the Chair declared a further recess; and, at eleven minutes past nine o'clock P.M., the Senate reassembled, Mrs. Fonseca in the Chair; and, on motion of Mr. Bertonazzi, the Chair declared a further recess; and, at twenty-three minutes before ten o'clock P.M., the Senate reassembled, Mrs. Fonseca in the Chair; and, on motion of Mr. Backman, the Chair declared a further recess; and, at two minutes past ten o'clock P.M., the Senate reassembled, the President in the Chair.

*Order Adopted.*

Mr. Foley offered the following order, to wit:—

*Ordered*, That when the Senate adjourns today, it adjourn to meet again tomorrow, Wednesday, December 3, at eleven o'clock A.M.

Senate,—  
time of  
meeting.

**After debate, it was adopted.**

## PAPER FROM THE HOUSE.

A Bill relative to the structure of the Massachusetts Bay Transportation Authority (House, No. 6836, printed as amended, — on House, No. 6834), — **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

MBTA,—  
structure.

On motion of Mr. Foley, at twenty-seven minutes past ten o'clock P.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.

Wednesday, December 3, 1980.

Met according to adjournment, at eleven o'clock A.M. (Mr. Foley in the Chair).

Recess.

On motion of Mr. Doris, at one minute past eleven o'clock A.M., the Chair declared a recess; and, at twenty-eight minutes before twelve o'clock noon, the Senate reassembled, the President in the Chair.

*Report of a Committee.*

MBTA  
structure.

By Mr. Atkins, for the committee on Ways and Means, that the House Bill relative to the structure of the Massachusetts Bay Transportation Authority (House, No. 6836, printed as amended), ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2273 (Senator Fonseca dissenting).

The rules were suspended, on motion of Mr. Foley, and the bill was read a second time.

The amendment recommended by the committee on Ways and Means was considered.

Mr. Lewis moved that the proposed Ways and Means amendment (Senate, No. 2273) be amended by striking out section 1; and, after debate, the question on adopting this amendment was determined by a call of the yeas and nays, at twenty-five minutes before one o'clock P.M., as follows, to wit (yeas 8 — nays 28): —

YEAS.

Buckley, Anna P.	LoPresti, Michael, Jr.
Fonseca, Mary L.	McCann, Francis X.
Harold, Paul D.	Owens, Bill
Lewis, Arthur Joseph, Jr.	Walsh, Joseph B. — 8.

NAYS.

Amick, Carol C.	Hunt, Robert M.
Atkins, Chester G.	King, John G.
Aylmer, John F.	Locke, David H.
Backman, Jack H.	McCarthy, Robert E.
Bertonazzi, Louis P.	McKinnon, Allan R.
Brennan, John A., Jr.	Olver, John W.
Buell, Robert C.	Parker, John F.
Burke, Edward L.	Pollard, Sharon M.
Burke, John P.	Rotondi, Samuel
D'Amico, Gerard	Shea, Philip L.
Doris, Francis D.	Sisitsky, Alan D.
Fitzpatrick, John H.	Timilty, Joseph F.
Foley, Daniel J.	Wetmore, Robert D.
Hall, Robert A.	Zarod, Stanley J. — 28.



## PAIRED.

## YEA.

Walter J. Boverini (present),

## NAY.

William X. Wall — 2.

## ABSENT OR NOT VOTING.

McKenna, Denis L. — 1.

The yeas and nays having been completed at nineteen minutes before one o'clock P.M., the amendment was *rejected*.

Mr. Doris moved that the proposed Ways and Means amendment (Senate, No. 2273) be amended by adding at the end thereof the following new section:

"SECTION 23. Section one of this act shall be effective on January first, nineteen hundred and eighty-two"; and, after debate, this amendment was *rejected*, by a vote of 2 to 12.

Mr. King moved that the proposed Ways and Means amendment (Senate, No. 2273) be amended by striking out section 4; and, after debate, the question on adopting this amendment was determined by a call of the yeas and nays, at twenty-seven minutes past one o'clock P.M., as follows, to wit (yeas 12 — nays 23):—

## YEAS.

Amick, Carol C.  
Atkins, Chester G.  
Backman, Jack H.  
Buell, Robert C.  
Burke, Edward L.  
Doris, Francis D.

Hall, Robert A.  
Harold, Paul D.  
King, John G.  
Locke, David H.  
Owens, Bill  
Wetmore, Robert D. — 12.

## NAYS.

Aylmer, John F.  
Bertonazzi, Louis P.  
Boverini, Walter J.  
Brennan, John A., Jr.  
Buckley, Anna P.  
Burke, John P.  
D'Amico, Gerard  
Fitzpatrick, John H.  
Foley, Daniel J.  
Fonseca, Mary L.  
Hunt, Robert M.  
Lewis, Arthur Joseph, Jr.

LoPresti, Michael, Jr.  
McCann, Francis X.  
McCarthy, Robert E.  
McKinnon, Allan R.  
Parker, John F.  
Pollard, Sharon M.  
Rotondi, Samuel  
Shea, Philip L.  
Timilty, Joseph F.  
Walsh, Joseph B.  
Zarod, Stanley J. — 23.

## PAIRED.

## YEAS.

Alan D. Sisitsky (present),  
John W. Olver (present),

## NAYS.

William X. Wall.  
Denis L. McKenna — 4.

The yeas and nays having been completed at twenty-three minutes before two o'clock P.M., the amendment was *rejected*.

MBTA  
structure.

Mr. King moved that the proposed Ways and Means amendment (Senate, No. 2273) be amended by adding at the end thereof the following section:

"SECTION 23. Said chapter 161A is hereby further amended by striking out the fifth paragraph of section 7, as most recently amended by chapter 1140 of the acts of 1973, and inserting in place thereof the following:—

The advisory board may incur expenses, as authorized by a majority vote of its executive committee, for staff, stenographic, clerical work or other purposes. Said expenses shall be assessed on the cities and towns in the proportion which the population of each said city or town bears to the total population of all such cities or towns within the authority."; and, after debate, this amendment was *rejected*, by a vote of 4 to 8.

Motion to  
reconsider  
*negatived*.

Mr. Timilty moved that this vote be reconsidered; and, after debate, this motion was *negatived*.

Mr. Edward L. Burke moved that the proposed Ways and Means amendment (Senate, No. 2273) be amended by striking out sections 2 and 3; and, after debate, the question on adopting this amendment was determined by a call of the yeas and nays, at six minutes before two o'clock P.M., as follows, to wit (yeas 7 — nays 30):—

## YEAS.

Backman, Jack H.  
Buell, Robert C.  
Burke, Edward L.  
Hall, Robert A.

Harold, Paul D.  
King, John G.  
Locke, David H. — 7.

## NAYS.

Amick, Carol C.  
Atkins, Chester G.  
Aylmer, John F.  
Bertonazzi, Louis P.  
Boverini, Walter J.  
Brennan, John A., Jr.  
Buckley, Anna P.  
Burke, John P.  
D'Amico, Gerard  
Doris, Francis D.  
Fitzpatrick, John H.  
Foley, Daniel J.  
Fonseca, Mary L.  
Hunt, Robert M.  
Lewis, Arthur Joseph, Jr.

LoPresti, Michael, Jr.  
McCann, Francis X.  
McCarthy, Robert E.  
McKinnon, Allan R.  
Olver, John W.  
Parker, John F.  
Pollard, Sharon M.  
Rotondi, Samuel  
Shea, Philip L.  
Sisitsky, Alan D.  
Timilty, Joseph F.  
Wall, William X.  
Walsh, Joseph B.  
Wetmore, Robert D.  
Zarod, Stanley J. — 30.

## PAIRED.

## YEA.

Bill Owens (present),

## NAY.

Denis L. McKenna — 2.

The yeas and nays having been completed at one minute past two o'clock P.M., the amendment was *rejected*.

Mr. Edward L. Burke moved that the proposed Ways and Means amendment (Senate, No. 2273) be amended by striking out section 20; and, after debate, Mrs. Fonseca in the Chair, the question on adopting this amendment was determined by a call of the yeas and nays, at a quarter past two o'clock P.M., as follows, to wit (yeas 3 — nays 30):—

## YEAS.

Burke, Edward L.  
Harold, Paul D.

Owens, Bill — 3.

## NAYS.

Amick, Carol C.  
Atkins, Chester G.  
Aylmer, John F.  
Backman, Jack H.  
Bertonazzi, Louis P.  
Boverini, Walter J.  
Brennan, John A., Jr.  
Buckley, Anna P.  
Buell, Robert C.  
Burke, John P.  
D'Amico, Gerard  
Doris, Francis D.  
Fitzpatrick, John H.  
Fonseca, Mary L.  
Hall, Robert A.

Hunt, Robert M.  
King, John G.  
Lewis, Arthur Joseph, Jr.  
Locke, David H.  
McCann, Francis X.  
McCarthy, Robert E.  
McKinnon, Allan R.  
Olver, John W.  
Pollard, Sharon M.  
Rotondi, Samuel  
Sisitsky, Alan D.  
Timilty, Joseph F.  
Walsh, Joseph B.  
Wetmore, Robert D.  
Zarod, Stanley J. — 30.

## PAIRED.

## YEAS.

John F. Parker (present),  
William X. Wall (present),  
Philip L. Shea (present),

## NAYS.

Daniel J. Foley,  
Michael LoPresti, Jr.  
Denis L. McKenna — 6.

The yeas and nays having been completed at twenty-five minutes past two o'clock P.M., the amendment was *rejected*.

Mr. Shea moved that the proposed Ways and Means amendment (Senate, No. 2273) be amended in section 14 by inserting after the words "general laws," the following words: " , section twenty A of chapter fifty-nine of the general laws,"; and, after debate, this amendment was *rejected*, the President in the Chair.

Subsequently, Mr. Shea moved that this vote be reconsidered; and, after remarks, this motion was *negatived*, by a vote of 2 to 11.

On motion of Mr. Brennan, the proposed Ways and Means amendment (Senate, No. 2273) was amended, by a vote of 3 to 2, by adding the following section:

"SECTION 23. Paragraph 4 of section 7 of chapter 161A of the General Laws is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:— The advisory board shall act by majority vote."

Motion to  
reconsider  
*negatived*.



Motion to  
reconsider.

Subsequently, Mr. Atkins moved that this vote be reconsidered; and it prevailed.

On the recurring question, the amendment was *rejected*.

Mr. Brennan moved that the proposed Ways and Means amendment (Senate, No. 2273) be amended by striking out paragraph five in section 15 and inserting in place thereof the following paragraph:

"Within forty-five days after submission, the advisory board shall act on the proposed budget of the authority. The budget committee of the advisory board shall separately make recommendations regarding each line item in said budget. The advisory board shall vote on each item within the authority's budget and may subject the authority's proposed budget to itemized reductions as the advisory board may deem appropriate. The board of directors shall, no later than the first Wednesday in December file a copy of such budget with the governor. Said budget shall include all requests and recommendations of the authority for capital outlay programs and projects for the ensuing year."; and, after remarks, this amendment was *rejected*.

Motion to  
reconsider.

Subsequently, Mr. Brennan moved that this vote be reconsidered; and this motion prevailed.

On the recurring question, the amendment was adopted.

On motion of Mr. Brennan, after debate, the proposed Ways and Means amendment (Senate, No. 2273) was amended by adding the following section:

"SECTION 23. The second sentence of the first paragraph of section 7 of chapter 161A of the General Laws is hereby amended by adding the following proviso: — ; provided however that no one receiving any form of remuneration from one city or town or agency thereof, shall be the designee of another city or town."

On motion of Mr. Brennan, after debate, the proposed Ways and Means amendment (Senate, No. 2273) was amended, by a vote of 13 to 1, by adding the following section:

"SECTION 21A. Chapter 12A of the General Laws, inserted by chapter 388 of the acts of 1980, is hereby amended by striking out section 7 and inserting in place thereof the following section: —

*Section 7.* The office of inspector general shall act to prevent and detect fraud, waste and abuse in the expenditure of public funds, whether state, federal, or local, in programs and operations involving the procurement of supplies, or involving the procurement of any construction, or by agencies, bureaus, divisions, sections, departments, offices, commissions, institutions, and activities of the commonwealth, including those districts, authorities, instrumentalities, or political subdivisions created by the general court and including the cities and towns, and the procurement of any supplies and services in connection with such construction."

Mr. Fitzpatrick moved that the proposed Ways and Means amendment (Senate, No. 2273) be amended by adding at the end thereof the following new section:

"SECTION 25. Chapter 329 of the Acts of 1980 is hereby amended in Section 2 by striking out item 7035-0004 and inserting in place thereof the following: —



7035-0004

For the reimbursement of certain towns and regional school districts for the transportation of pupils, these funds to be in addition to any amounts previously appropriated for said purposes . . . 68,000,000."

Mr. Olver arose to a point of order which, being stated, was that the amendment goes beyond the scope of the bill.

Point of order.

The President stated that the point of order was well taken; and accordingly, the amendment was laid aside.

Well taken.

On motion of Mr. Sisitsky, after remarks, the proposed Ways and Means amendment (Senate, No. 2273) was amended by adding the following section:

"SECTION 24. Section 44A of chapter 149 of the General Laws, as appearing in section 55 of chapter 579 of the acts of 1980, is hereby amended by striking out the definition of 'Public Agency' and inserting in place thereof the following definition:

'Public Agency' means a department, agency, board, commission, authority, or other instrumentality of the commonwealth or political subdivision of the commonwealth or two or more subdivisions thereof."

On motion of Mr. Buell, after remarks, the proposed Ways and Means amendment (Senate, No. 2273) was amended by inserting after section 19 the following section:

"SECTION 19A. Section nineteen of this act shall take effect on July first, nineteen hundred and eighty-one."

Mr. Owens moved that the proposed Ways and Means amendment (Senate, No. 2273) be amended by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. There is hereby created within the executive department of transportation and construction the Massachusetts Bay Transportation Division. Said division is the successor of the Massachusetts Bay Transportation Authority and all the powers relative to operation of a transportation system within the commonwealth shall be assumed on the effective date of this act by said division of the executive department of transportation and construction.

SECTION 2. All employees of the Massachusetts Bay Transportation Division shall be state employees within the Department of Transportation and Construction. The Massachusetts Bay Transportation Authority hereby ceases to exist and all contracts, obligations, duties, liabilities, assets are hereby transferred to said Massachusetts Transportation Division. All transit lines shall henceforth be supported by the commonwealth and all deficits shall be assumed by the state."; and by striking out the title and inserting in place thereof the following title: "An Act establishing the Massachusetts Bay Transportation Division within the executive office of transportation and construction."; and, after debate, this amendment was *rejected*, by a vote of 1 to 6.

Mr. Owens moved that the proposed Ways and Means amendment (Senate, No. 2273) be amended by striking out the title and inserting in place thereof the following title: "An Act transferring the management and operation of the Massachusetts Bay Transportation Au-

MBTA  
structure.

thority from its board of directors and its advisory board to a private management firm for a period of ten years,"; and by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. The management and operation of the Massachusetts Bay Transportation Authority is hereby transferred from its board of directors and its advisory board, both of which boards are hereby dissolved and discontinued, to a private management firm to be selected by the secretary of the executive office of transportation and construction with the approval of the governor. Said firm shall take over the duties and responsibilities of the transportation system of said authority upon its said appointment.

SECTION 2. All employees of the Massachusetts Bay Transportation Authority shall be transferred into the employ of the firm established by section one. The Massachusetts Bay Transportation Authority hereby ceases to exist and all contracts, obligations, duties, liabilities and assets of said authority are hereby transferred to said firm. All transit lines shall henceforth be supported by the commonwealth and all deficits assumed by the commonwealth."; and, after remarks, this amendment was *rejected*.

On motion of Mr. Parker, after debate, the proposed Ways and Means amendment (Senate, No. 2273) was amended by inserting the following section:

"SECTION 21B. Section 2 of chapter 329 of the acts of 1980 is hereby amended by striking out in item 6005-0018 the figures '4,000,000' and inserting in place thereof the figures '6,500,000'."

Mr. Olver moved that the proposed Ways and Means amendment (Senate, No. 2273) be amended by striking out section 14A; and, after remarks, the question on adopting this amendment was determined by a call of the yeas and nays, at twelve minutes past four o'clock P.M., as follows, to wit (yeas 0 — nays 37): —

YEAS — 0.

NAYS.

Amick, Carol C.  
Atkins, Chester G.  
Aylmer, John F.  
Backman, Jack H.  
Bertonazzi, Louis P.  
Boverini, Walter J.  
Brennan, John A., Jr.  
Buckley, Anna P.  
Buell, Robert C.  
Burke, Edward L.  
Burke, John P.  
D'Amico, Gerard  
Doris, Francis D.  
Fitzpatrick, John H.  
Foley, Daniel J.  
Fonseca, Mary L.  
Hall, Robert A.  
Harold, Paul D.  
Hunt, Robert M.

King, John G.  
Lewis, Arthur Joseph, Jr.  
Locke, David H.  
LoPresti, Michael, Jr.  
McCann, Francis X.  
McCarthy, Robert E.  
McKinnon, Allan R.  
Olver, John W.  
Parker, John F.  
Pollard, Sharon M.  
Rotondi, Samuel  
Shea, Philip L.  
Sisitsky, Alan D.  
Timilty, Joseph F.  
Wall, William X.  
Walsh, Joseph B.  
Wetmore, Robert D.  
Zarod, Stanley J. — 37.



## PAIRED.

YEA.

NAY.

Bill Owens (present),

Denis L. McKenna — 2.

The yeas and nays having been completed at twenty minutes past four o'clock P.M., the amendment was *rejected*.

On motion of Mr. Locke, after remarks, the proposed Ways and Means amendment (Senate, No. 2273) was amended by inserting after section 20 the following section:

"SECTION 20A. Subsection (i) of section 5 of said chapter 161A is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:

The budget shall govern the current expenses and the number of employees of the authority and of each directorate, department and office of the authority for such year. No such expenses may be incurred in excess of those shown in the budget, but the budget may from time to time be amended by the preparation and submission by the authority to the advisory board and the secretary of supplements thereto. The secretary shall review and make recommendations regarding said supplementary budget within fifteen days after its submission. The advisory board shall within thirty days after submission to it approve or reduce any such supplementary budget as provided above."

The Ways and Means amendment (Senate, No. 2273), as amended, was then adopted.

The bill was then ordered to a third reading and read a third time.

On motion of Mr. Walsh, the bill was amended in section 8, by striking out subsection (vi) and inserting in place thereof the following subsection:

"(vi) to determine whether goods or services, not already provided, should be made, leased, contracted for or purchased on either a temporary or permanent basis."

Subsequently, Mr. Sisitsky moved that this vote be reconsidered; and this motion prevailed.

Motion to reconsider.

On the recurring question, the amendment was *rejected*.

Mr. Walsh moved that the bill be amended in section 8, by striking out subsection (vii) and inserting in place thereof the following subsection:

"(vii) to assign and apportion overtime in accordance with seniority."; and, after debate, this amendment was *rejected*, by a vote of 3 to 14.

Mr. Shea moved that the bill be amended in section 14, by inserting after the words "general laws," in line 3, the following words: ", section twenty A of chapter fifty-nine of the general laws."; and, after debate, this amendment was *rejected*, by a vote of 5 to 13.

Mr. Boverini moved that this vote be reconsidered; and this motion was *negatived*.

Motion to reconsider negatived.

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structure.

Mr. Locke moved that the bill be amended in section 21 by adding at the end, the following paragraph:

"The quarterly allotment schedules as approved by the advisory board shall govern the quarterly expenditures of the authority and no expenditure shall be made in excess of said schedules, except as provided in this subsection."; and, after debate, the question on this amendment was determined by a call of the yeas and nays, at twenty-five minutes before six o'clock P.M., on motion of Mr. Locke, as follows, to wit (yeas 17 — nays 20):—

## YEAS.

Aylmer, John F.	Harold, Paul D.
Backman, Jack H.	King, John G.
Bertonazzi, Louis P.	Locke, David H.
Buell, Robert C.	Owens, Bill
Burke, Edward L.	Parker, John F.
Burke, John P.	Pollard, Sharon M.
Fitzpatrick, John H.	Wall, William X.
Fonseca, Mary L.	Zarod, Stanley J. — 17.
Hall, Robert A.	

## NAYS.

Amick, Carol C.	LoPresti, Michael, Jr.
Atkins, Chester G.	McCarthy, Robert E.
Boverini, Walter J.	McKinnon, Allan R.
Brennan, John A., Jr.	Olver, John W.
Buckley, Anna P.	Rotondi, Samuel
D'Amico, Gerard	Shea, Philip L.
Doris, Francis D.	Sisitsky, Alan D.
Foley, Daniel J.	Timilty, Joseph F.
Hunt, Robert M.	Walsh, Joseph B.
Lewis, Arthur Joseph, Jr.	Wetmore, Robert D. — 20.

## ABSENT OR NOT VOTING.

McCann, Francis X.	McKenna, Denis L. — 2.
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The yeas and nays having been completed at nineteen minutes before six o'clock P.M., the amendment was *rejected*.

Mr. Locke moved that this vote be reconsidered; and, after debate, this motion was *negatived*.

The question on passing the bill to be engrossed, in concurrence, was then determined by a call of the yeas and nays, at two minutes before six o'clock P.M., on motion of Mrs. Fonseca, as follows, to wit (yeas 26 — nays 10):—

## YEAS.

Amick, Carol C.	Buell, Robert C.
Atkins, Chester G.	Burke, Edward L.
Backman, Jack H.	D'Amico, Gerard
Brennan, John A., Jr.	Doris, Francis D.
Buckley, Anna P.	Fitzpatrick, John H.

Motion to  
reconsider  
*negatived*.



Foley, Daniel J.  
Harold, Paul D.  
Lewis, Arthur Joseph, Jr.  
Locke, David H.  
LoPresti, Michael, Jr.  
McCarthy, Robert E.  
McKinnon, Allan R.  
Olver, John W.

Owens, Bill  
Parker, John F.  
Pollard, Sharon M.  
Rotondi, Samuel  
Sisitsky, Alan D.  
Timilty, Joseph F.  
Wall, William X.  
Walsh, Joseph B. — 26.

## NAYS.

Aylmer, John F.  
Bertonazzi, Louis P.  
Burke, John P.  
Fonseca, Mary L.  
Hall, Robert A.

Hunt, Robert M.  
King, John G.  
Shea, Philip L.  
Wetmore, Robert D.  
Zarod, Stanley J. — 10.

## PAIRED.

## YEA.

Walter J. Boverini (present),

## NAY.

Denis L. McKenna — 2.

## ABSENT OR NOT VOTING.

McCann, Francis X. — 1.

The yeas and nays having been completed at two minutes past six o'clock P.M., the bill (House, No. 6836, printed as amended) was passed to be engrossed, in concurrence, with the amendment (see Senate document numbered 2274).

Mr. Foley moved that this vote be reconsidered; and this motion was *negatived*.

Motion to reconsider  
*negatived*.

**Sent to the House for concurrence in the amendment.**

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On motion of Mr. Foley, at three minutes past six o'clock P.M., the President declared a recess; and, at twenty-seven minutes before nine o'clock P.M., the Senate reassembled, Mr. Olver in the Chair; and, on motion of Mr. Parker, the Chair declared a further recess; and, at five minutes past nine o'clock P.M., the Senate reassembled, Mrs. Fonseca in the Chair; and, on motion of Mr. Hunt, the Chair declared a further recess; and, at nine minutes past ten o'clock P.M., the Senate reassembled, the President in the Chair; and, on motion of Mrs. Fonseca, the President declared a further recess; and, at ten minutes before eleven o'clock P.M., the Senate reassembled, Mr. Foley in the chair; and, on motion of Ms. Buckley, the Chair declared a further recess; and, at twenty minutes past eleven o'clock P.M., the Senate reassembled, Mr. Foley in the Chair.

Recesses.

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*Order Adopted.*

The President in the Chair, on motion of Ms. Buckley, —  
*Ordered.* That when the Senate adjourns today, it adjourn to meet again tomorrow, Thursday, December 4, 1980, at two o'clock P.M.

Senate, —  
time of  
meeting.

## PAPER FROM THE HOUSE.

*Committee of Conference.*MBTA  
structure.

The House Bill relative to the structure of the Massachusetts Bay Transportation Authority (House, No. 6836, printed as amended), — came from the House with the endorsement that the House had NON-concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2274, and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Finnegan of Boston, Nickinello of Natick, and Cole of Lexington had been appointed the committee on the part of the House.

Committee of  
conference.

On motions of Mr. Foley, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Walsh, Rotondi and Buell were joined on the part of the Senate.

**The bill was returned to the House endorsed accordingly.**

On motion of Mr. Atkins, at twenty-four minutes before twelve o'clock midnight, the Senate adjourned to meet on the following day at two o'clock P.M.

Thursday, December 4, 1980.

Met according to adjournment, at two o'clock P.M.

On motion of Mr. Parker, at three minutes past two o'clock P.M., the President declared a recess; and, at twenty-nine minutes before four o'clock P.M., the Senate reassembled, Mr. Boverini in the Chair; and, on motion of Mrs. Fonseca, the Chair declared a further recess; and, at four minutes past five o'clock P.M., the Senate reassembled, Mr. Boverini in the Chair; and, on motion of Mr. Foley, the Chair declared a further recess; and, at three minutes past six o'clock P.M., the Senate reassembled, the President in the Chair; and, on motion of Mrs. Fonseca, the President declared a further recess; and, at nine o'clock P.M., the Senate reassembled, Mr. Foley in the Chair; and, on motion of Mr. Bulger, the Chair declared a further recess; and, at ten o'clock P.M., the Senate reassembled, Mr. Foley in the Chair; and, on motion of Mr. Doris, the Chair declared a further recess; and, at twenty-nine minutes before twelve o'clock midnight, the Senate reassembled, Mr. Foley in the Chair; and, on motion of Mr. Bertonzzi, the Chair declared a further recess; and, at twenty-seven minutes past twelve o'clock midnight, Friday, December 5, the Senate reassembled, Mr. Foley in the Chair; and, on motion of Mr. Wall, the Chair declared a further recess; and, at eight minutes past one o'clock A.M., the Senate reassembled, Mr. Foley in the Chair; and, on motion of Mr. Boverini, the Chair declared a further recess until twelve o'clock noon.

Recesses.

Friday, December 5, 1980.

The Senate reassembled at twelve o'clock noon (Mr. Foley in the Chair).

On motion of Mr. McKinnon, at twenty-seven minutes past twelve o'clock noon, the Chair declared a recess; and, at twenty-eight minutes before three o'clock P.M., the Senate reassembled, Mr. Boverini in the Chair; and, on motion of Mr. Foley, the Chair declared a further recess; and, at twenty-six minutes before four o'clock P.M., the Senate reassembled, Mr. Foley in the Chair; and, on motion of Mr. Doris, the Chair declared a further recess; and, at twenty-nine minutes past five o'clock P.M., the Senate reassembled, the President in the Chair; and, on motion of Mr. Foley, the President declared a further recess; and, at four minutes past nine o'clock P.M., the Senate reassembled.

Recesses.

### *Resolutions.*

Mr. Wall offered "Resolutions on the death of John W. McCormack"; and, under the rule, they were referred to the committee on Rules.

John W.  
McCormack.



**Subsequently, Mr. Foley, for the said committee, reported, recommending that the resolutions ought to be adopted; and they were considered forthwith, under a suspension of the rule, moved by Mr. Wall, and adopted.**

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*Recesses.*

On motion of Mr. John P. Burke, at seven minutes past nine o'clock P.M., the President declared a recess; and, at four minutes past ten o'clock P.M., the Senate reassembled; and, on motion of Mrs. Fonseca, the President declared a further recess; and, at one minute past eleven o'clock P.M., the Senate reassembled; and, on motion of Mr. Wall, the President declared a further recess; and, at twenty-nine minutes before twelve o'clock midnight, the Senate reassembled; and, on motion of Mr. Foley, the President declared a further recess; and, at four minutes past twelve o'clock midnight, Saturday, December 6, the Senate reassembled, Mr. Foley in the Chair; and, on motion of Mr. McKenna, the Chair declared a further recess; and, at three minutes past one o'clock A.M., the Senate reassembled, Mr. Foley in the Chair; and, on motion of Mr. Hall, the Chair declared a further recess; and, at twenty minutes past two o'clock A.M., the Senate reassembled, Mr. Foley in the Chair; and, on motion of Mr. Wall, the Chair declared a further recess.

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Saturday, December 6, 1980.

The Senate reassembled at nine o'clock P.M.

*Recesses.*

On motion of Mr. Atkins, the President declared a recess; and, at eight minutes before ten o'clock P.M., the Senate reassembled, Mr. Boverini in the Chair; and, on motion of Mr. Walsh, the Chair declared a further recess; and, at thirteen minutes before eleven o'clock P.M., the Senate reassembled, Mr. Boverini in the Chair; and, on motion of Mr. D'Amico, the Chair declared a further recess; and, at a quarter before twelve o'clock midnight, the Senate reassembled, Mr. Boverini in the Chair; and, on motion of Mr. Olver, the Chair declared a further recess; and, at half past twelve o'clock midnight, Sunday, December 7, the Senate reassembled, the President in the Chair.

*Resolutions.*

Walter and  
Christine  
Boverini.

Mr. Walsh offered "Resolutions congratulating Walter and Christine Boverini on the birth of their daughter"; and, under the rule, they were referred to the committee on Rules.

**Subsequently, Mr. Foley, for the said committee, reported, recommending that the resolutions ought to be adopted; and they were considered forthwith, under a suspension of the rule, moved by Mr. Foley, and adopted.**

Nantucket  
High School,  
— football  
champions.

Mr. Aylmer offered "Resolutions congratulating Nantucket High School on winning the Eastern Massachusetts Division V Superbowl Football Championship"; and, under the rule, they were referred to the committee on Rules.



Subsequently, Mr. Foley, for the said committee, reported, recommending that the resolutions ought to be adopted; and they were considered forthwith, under a suspension of the rule, moved by Mr. Walsh, and adopted.

Mr. Parker offered "Resolutions congratulating Taunton High School on winning the Eastern Massachusetts Division II Superbowl Football Championship"; and, under the rule, they were referred to the committee on Rules.

Taunton High School,  
— football champions.

Subsequently, Mr. Foley, for the said committee, reported, recommending that the resolutions ought to be adopted; and they were considered forthwith, under a suspension of the rule, moved by Mr. Parker, and, after remarks, were adopted.

Mr. Wall offered "Resolutions on the death of Monsignor Francis M. Juras"; and, under the rule, they were referred to the committee on Rules.

Monsignor Francis M. Juras.

Subsequently, Mr. Foley, for the said committee, reported, recommending that the resolutions ought to be adopted; and they were considered forthwith, under a suspension of the rule, moved by Mr. Wall, and adopted.

#### PAPER FROM THE HOUSE.

A House report, in part, of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill relative to the structure of the Massachusetts Bay Transportation Authority (House, No. 6836, printed as amended) (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2274), recommending that the House recede from its NON-concurrence with the Senate in its amendment and concur therein *with a further amendment* striking all after the enacting clause and inserting in place thereof the text of House document numbered 6837, — came from the House, and was read.

MBTA,—  
structure.

The rule was suspended, on motion of Mr. Walsh, and the report was considered forthwith.

After debate, the question on accepting the report, in concurrence, was determined by a call of the yeas and nays, at twenty-five minutes before two o'clock A.M., on motion of Mr. Parker, as follows, to wit (yeas 23 — nays 7):—

#### YEAS.

Amick, Carol C.  
Atkins, Chester G.  
Aylmer, John F.  
Backman, Jack H.  
Boverini, Walter J.  
Brennan, John A., Jr.  
Buckley, Anna P.  
Buell, Robert C.  
Burke, Edward L.

D'Amico, Gerard  
Doris, Francis D.  
Foley, Daniel J.  
Harold, Paul D.  
King, John G.  
McCarthy, Robert E.  
McKenna, Denis L.  
McKinnon, Allan R.  
Pollard, Sharon M.

Rotondi, Samuel  
Sisitsky, Alan D.  
Timilty, Joseph F.

Wall, William X.  
Walsh, Joseph B. — 23.

## NAYS.

Bertonazzi, Louis P.  
Burke, John P.  
Hall, Robert A.  
Hunt, Robert M.

Shea, Philip L.  
Wetmore, Robert D.  
Zarod, Stanley J. — 7.

## PAIRED.

## YEAS.

David H. Locke,  
John W. Olver (present),

## NAYS.

John F. Parker (present),  
Mary L. Fonseca — 4.

## ABSENT OR NOT VOTING.

Fitzpatrick, John H.  
Lewis, Arthur Joseph, Jr.  
LoPresti, Michael, Jr.

McCann, Francis X.  
Owens, Bill — 5.

**The yeas and nays having been completed at twenty minutes before two o'clock A.M., the report was accepted, in concurrence.**

**Mr. Walsh moved that this vote be reconsidered; and this motion was *negatived*.**

Motion to  
reconsider  
*negatived*.

*Resolutions.*

Mr. John P. Burke offered "Resolutions congratulating Westfield High School on winning the Western Massachusetts Division I Superbowl Football Championship"; and, under the rule, they were referred to the committee on Rules.

**Subsequently, Mr. Foley, for the said committee, reported, recommending that the resolutions ought to be adopted; and they were considered forthwith, under a suspension of the rule, moved by Mr. John P. Burke, and adopted.**

Westfield  
High,—  
football  
champions.

Recess.

On motion of Mr. Boverini, at nineteen minutes before two o'clock A.M., the President declared a recess; and, at a quarter past two o'clock A.M., the Senate reassembled.

## PAPER FROM THE HOUSE.

*Engrossed Bill.*

An engrossed Bill relative to the structure of the Massachusetts Bay Transportation Authority (see House, No. 6836, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted.**

Bill laid  
before  
Governor.

**Mr. Walsh moved that this vote be reconsidered; and this motion was negatived.**

Motion to reconsider negatived.

**The bill was then signed by the President and laid before the Governor for his approbation.**

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*Prorogation.*

On motion of Mr. Foley, —

*Ordered*, That a committee to consist of three members of the Senate and such members as the House may join, be appointed to wait upon His Excellency the Governor and inform him that the two branches of the General Court have disposed of the public business brought before them at the present extra session, and to request him, with the advice and consent of the Council, to prorogue them to the Tuesday next preceding the first Wednesday of January next.

Prorogation.

Senators Walsh, Rotondi and Shea, and Representatives Keverian of Everett, DeNucci of Newton, Card of Holbrook, Cimino of Milford, Cusack of Arlington, Piro of Somerville, Holland of Longmeadow, Saltmarsh of Winchester and such other members who wished to serve had been joined on the part of the House.

Subsequently, Mr. Walsh, for the above-named committee, reported that they had attended to their duties, and the committee was discharged.

Mr. Shea in the Chair, at five minutes before three o'clock A.M., the Secretary of the Commonwealth entered the Senate Chamber and announced that during the session, one Act had received Executive approval.

The President in the Chair, the Secretary further announced that he was directed by His Excellency the Governor to inform the Senate that, in compliance with the request of the two branches, and with the advice of the Council, it was his pleasure to prorogue the General Court until the day next preceding the first Wednesday of January next; and the General Court was prorogued accordingly (at three minutes before three o'clock A.M.).

Attest:

EDWARD B. O'NEILL,  
*Clerk of the Senate.*

